

Attorney Docket No. 46342/56776 ~~3~~

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KIMURA H. et al Art Unit: Unassigned  
U.S.S.N.: Unassigned Examiner: Unassigned  
FILED: December 10, 2001  
FOR: Novel Protein and DNA  
Thereof

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail No. **EL 932687775 US**, Postage prepaid, in an envelope addressed to Commissioner for Patents, Box PCT, BOX 2327, Arlington, VA 22202 on December 10, 2001.

By: Carren J. Hunder

**INFORMATION DISCLOSURE STATEMENT  
(SUBMISSION AFTER FILING OF AN APPLICATION  
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE)**

BOX PCT - R/O  
Commissioner for Patents and Trademarks  
Box 2327  
Arlington, VA 22202

Date: December 10, 2001

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

**II. COPIES**

- a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a. ☐ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

**FEES**

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$240.00 \_\_\_\_\_ is required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

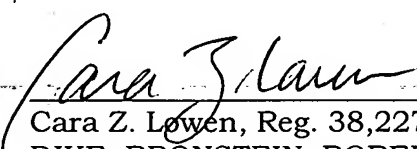
- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- ☐ Please charge Deposit Account No. 04-1105 in the amount of \$240.00 for the above-indicated fee. A triplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

Date: December 10, 2001

  
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10/009693

# **INFORMATION DISCLOSURE CITATION** (Use several sheets if necessary)

Docket Number (Optional)

46342 76

Application Number

PCT/JP00/03720

Applicant(s)

KIMURA, H., JG13 Rec'd PCT/PTO 10 DEC 2001

Filing Date

10 December 2001

Group Art Unit

Unassigned

## **U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,658,786	08/19/1997	SMITH et al	435/365	536/23.5	03/04/1993 PCT
	AB	5,712,148	01/27/1998	BORDEN et al	435/240.2	435/254.1	10/17/1995

## **FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	BA	WO 96/04790	22/02/1996	PCT	A01N	43/04		

## **OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

CA	Qing-Rong Liu et al. "Molecular Characterization of Four Pharmacologically Distinct $\alpha$ -Aminobutyric Acid Transporters in Mouse Brain" ; The Journal of Biological Chemistry (1993) Vol. 268, No. 3 P. 2106-2112.
CB	Laurence A. Borden et al. "Molecular Heterogeneity of the $\gamma$ -Aminobutyric Acid (GABA) Transport System" Cloning of Two Novel High Affinity GABA Transporters from Rat Brains. The Journal of Biological Chemistry (1992) Vol. 267, No. 29 P. 21098-21104.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

CC

Laurence A. Borden, et al. "Cloning and Expression of a Betaine/GABA Transporter from Human Brain"  
Journal of Neurochemistry (1995) Vol. 64, No. 3, P. 977-984.

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Tina Bolvig, et al. "Action of Bicyclic Isoxazole GABA analogues on GABA Transporters and its Relation to Anticonvulsant Activity"  
Journal of Pharmacology (1999) Vol 375, No. 1-3 P 367-374.

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Qing-Rong Liu, et al. "A Family of Genes Encoding Neurotransmitter Transporters"  
Proc.Natl. Acad. Sci. U.S.A. 89, 6639-6643 (1992)

CF

Nelson, et al.  
FEBS Letters 269 (1), 181-184 (1990)

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Beatriz Lopez-Corcuera et al. "Expression of a Mouse Brain cDNA Encoding Novel  $\gamma$  - Amino-butyric Acid Transporter"  
J. Biol. Chem. 267, 17491-17493. (1992)

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Atsushi Yamauchi, et al. "Cloning of Na<sup>+</sup>- and Cl<sup>-</sup>-dependent Betaine Transporter That is Regulated by Hypertonicity"  
J. Biol. Chem. 267, 649-652. (1992)

CJ

Rasola, Andrea, et al. "Molecular Cloning and Functional Characterization of a GABA.betaine Transporter from Human Kidney" FEBS Letters 373 (1995) 229-233.

EXAMINER

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